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**From:** Armstead, John A.  
**Sent:** Wed 5/7/2014 2:25:13 PM  
**Subject:** Re: News Forwarded: Putnam Co., Hurricane file federal lawsuit against landfill that accepted MCHM...

I spoke with Scott Mandirola who advises that the state would like our review of their assessment of the waste determination. They adopted the federal waste identification regs by reference and request confirmation that they are interpreting the regs correctly. A letter should be coming to me shortly with this request. We'll continue to work with counsel as we consider our response to the State's request.

John Armstead, Director  
LCD, EPA Region 3.

# Ex. 5 - Deliberative

The newspaper article appears fairly accurate, if you don't want to look at the complaint itself, which I have also attached.

It appears that the recent request from the state for our opinion on the nature of the waste involved is directly and completely related to this lawsuit. Obviously, this means that the policy decision about whether and how to respond to the State's request needs to consider this situation.

We will continue to support the Region's decision-making process on this.

Putnam Co., Hurricane file federal lawsuit against landfill that accepted MCHM  
05/05/2014  
Charleston Gazette - Online, The

Putnam County and the City of Hurricane on Monday filed a federal lawsuit requesting that Waste Management of West Virginia remove 228 tons of MCHM-, PPH- and DiPPH-contaminated wastewater mixed with sawdust from its Disposal Service landfill. Mike Call...

Link: <http://www.wvgazette.com/article/20140505/GZ01/140509623>